

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANDREA LaPIETRA, Individually and  
as Power of Attorney, and DEASHON TARVER,

Plaintiffs,

v.

9:19-CV-1527  
(TJM/TWD)

CITY OF ALBANY POLICE DEPARTMENT, et al.,

Defendants.

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APPEARANCES:

ANDREA LaPIETRA  
Plaintiff, Pro se  
1030 Washington Ave.  
#2  
Albany, NY 12203

DEASHON TARVER  
18-A-1582  
Plaintiff, Pro se  
Mid-State Correctional Facility  
P.O. Box 2500  
Marcy, NY 13403

THOMAS J. McAVOY  
Senior United States District Judge

**ORDER**

This action was commenced by two pro se plaintiffs, Deashon Tarver ("Tarver") and Andrea LaPietra ("LaPietra"), individually and "as Power of Attorney" for Tarver, pursuant to 42 U.S.C. § 1983 ("Section 1983"). Dkt. No. 1 ("Compl."). With the Complaint, LaPietra submitted an application to proceed in forma pauperis ("IFP"). Dkt. No. 2 ("IFP Application").

Tarver did not comply with the statutory filing fee requirements, did not submit an IFP Application, and did not sign the Complaint.

In a Decision and Order filed on January 15, 2020 (the "January Order"), the Court granted LaPietra's motion to proceed IFP and dismissed, without prejudice, any claims that LaPietra asserted on behalf of Tarver. See Dkt. No. 4 at 4-5. In the January Order, the Court also directed Tarver to (1) either (a) pay the Court's filing fee of four hundred dollars (\$400.00) in full or (b) submit a completed, signed, and certified IFP Application, and (2) execute a copy of the Complaint, with his own original signature. See *id.* Tarver was advised that if he failed to comply with the January Order, the action would be dismissed, without prejudice, without further Order of the Court.

In compliance with the January Order, Tarver executed the Complaint and filed a second IFP Application. Dkt. Nos. 7 and 8. On January 31, 2020, LaPietra filed a motion for the appointment of counsel. Dkt. No. 6.

In a Decision and Order filed on February 26, 2020 (the "February Order"), the Court denied Tarver's second IFP Application as incomplete. See Dkt. No. 11. In light of Tarver's pro se status, the Court afforded Tarver a final opportunity to comply with the filing fee requirements for this action. See *id.* The Court held LaPietra's motion for counsel in abeyance pending a review of the Complaint pursuant to 28 U.S.C. §§ 1915(A) or 1915(e)(b) and Tarver's response to the February Order. See *id.*

On March 23, 2020, Tarver filed a third IFP Application. Dkt. No. 12. Upon review, the Court finds that the IFP Application was completed, signed by Tarver, and certified by an authorized officer of Mid-State Correctional Facility. See *id.* However, Tarver has not

provided the Court with the authorization form issued by the Clerk's Office pursuant to the Local Rules of Practice of this District. Therefore, the Court hereby orders Tarver to submit either the full filing fee or the attached authorization form. See L.R. 5.4(b).

In light of Plaintiff's pro se status, the Court will afford him a **final** opportunity to comply with the filing fee requirements for this action.

**WHEREFORE**, it is hereby

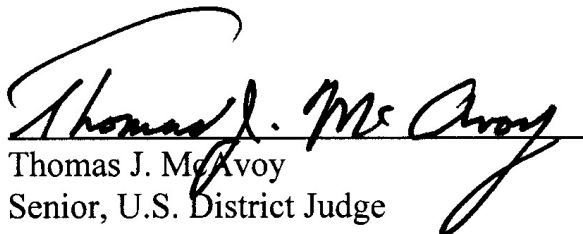
**ORDERED** that Tarver must, **within thirty (30) days** of the filing date of this Order, either (1) pay the \$400.00 filing fee in full, or (2) provide the Clerk with a signed authorization form consenting to pay the full filing fee in installments as directed herein; and it is further

**ORDERED** that upon Plaintiff's compliance with this Order or if Tarver fails to comply with the Order within the deadlines set forth herein, the file shall be returned to the Court for further review; and it is further

**ORDERED** that LaPietra's motion for counsel (Dkt. No. 6) is held in **ABEYANCE** pending Tarver's compliance with this Order; and it is further

**ORDERED** that the Clerk of the Court serve a copy of this Decision and Order on each plaintiff together with a blank Inmate Authorization Form.

Dated: April 6, 2020

  
Thomas J. McAvoy  
Senior, U.S. District Judge